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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4023
INFO RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 2173
RUEHBJ/AMEMBASSY BEIJING PRIORITY 5062
RUEHLM/AMEMBASSY COLOMBO PRIORITY 5321
RUEHKA/AMEMBASSY DHAKA PRIORITY 0485
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 3321
RUEHLO/AMEMBASSY LONDON PRIORITY 4693
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0585
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RUEAAIA/CIA WASHDC PRIORITY
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RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 003115

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E.O. 12958: DECL: 11/27/2016

TAGS: PGOV PTER MARR UN NP

SUBJECT: FINANCE MINISTER WANTS UN TO SET STRICT STANDARDS
FOR MAOIST COMBATANTS

REF: A. KATHMANDU 3014

1B. KATHMANDU 3091

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

Summary and Introduction

11. (C) In a meeting with the Ambassador November 26, Finance Minister Mahat asked the United States to use its influence on the United Nations to ensure that only true Maoist combatants be permitted to go into cantonments. Mahat expressed concern that the latest draft of the tripartite (Government of Nepal-Maoist-UN) "Agreement on Monitoring of the Management of Arms and Armies" used terms loosely and would allow the Maoists to send people without military training, skills or weapons into the camps. Once there they would have a claim to become members of the Government security forces. The Ambassador said he would seek to have the U.S. raise the issue in New York and in Nepal with the UN. On November 26, post received a draft of the agreement, dated November 26, from one of the Government's informal negotiators. Based on post's initial assessment, the 15-page document (faxed to the Nepal desk) does suffer from some of the problems Mahat raised. In particular, the draft sets few conditions on who will be considered a Maoist combatant. Post will report on other matters discussed with Mahat via septel.

Draft Arms Agreement's Use of Terms Objectionable

12. (C) Finance Minister Ram Saran Mahat asked for a meeting with the Ambassador on November 26 to request U.S. assistance with the negotiation of an acceptable technical arms agreement among the Government of Nepal, the Maoists and the United Nations. Mahat explained that he had seen the draft "Agreement on Monitoring of the Management of Arms and Armies" for the first time a day earlier. Prime Minister Koirala had asked him to review the document and identify any concerns. The Finance Minister told the Ambassador he had three principal objections. His first complaint was about the use of objectionable terminology. The document he had seen referred to the Maoist army as the "People's Liberation Army (PLA)." None of the other peace documents, including

the November 8 Baluwatar Agreement (Ref A) or the November 21 Comprehensive Peace Agreement (Ref B) had dignified the Maoist army with that (Maoist) title. The draft Monitoring Agreement also used the terms "divisions" and "brigades" when referring to Maoist forces even though it was common knowledge, Mahat said, that the Maoists had nowhere near the numbers in those units to merit those designations. Although it appeared that the term "PLA" had now been dropped in favor of "Maoist army," he was concerned inflated nomenclature for Maoist military units remained.

Minister Objects to Definition of "Combatant"

¶13. (C) The Finance Minister explained that his biggest concern was the draft Monitoring Agreement's definition of the term "combatant." The draft Agreement had only two limitations: first, a Maoist combatant had to be 18 or older; and second, he or she had to have been a combatant prior to May 25, 2006 (the date on which the Government and the Maoists signed the Cease-fire Code of Conduct). This was not enough. Mahat insisted that combatants should meet three other criteria. First, he or she had to have a level of training. Second, he or she had to have demonstrated military skills. Third, he or she had to have a weapon. If the agreement did not set strict conditions, nearly anyone would be able to enter the cantonments and the Government would be responsible for taking care of them. The UN had an obligation, Mahat stressed, to verify the identities of those who claimed to be combatants. Instead, the UN was telling the Government that whatever the Government and the Maoists agreed on would be fine. This was, he said, unacceptable. The UN needed to be more assertive and apply the international standard.

Prime Minister A "Simple Man"

¶14. (C) Mahat admitted that part of the problem with the definition of combatant was that the Prime Minister's views had changed. Koirala had previously thought, the Finance Minister reported, that it might be good to have as many Maoists as possible in the cantonments. He had even considered the possibility of having two sorts of camp populations, with some camps containing "true" combatants, and others containing recruits and political workers. The idea was to get as many of the Maoists out of circulation as possible. Emboff suggested that this thinking might have originated with the UN, and Mahat conceded that might have been the case. At any rate, Mahat said, he had persuaded the PM that this dual approach would be unworkable. The difficulty in general, however, was that Koirala was a "simple man" and had presumed that the UN Peace Mission headed by Ian Martin would work all these things out. The PM was now frustrated that the UN kept refusing to step beyond its role as a facilitator.

Only Qualified Combatants Able to Join Security Forces

¶15. (C) The third objection the Finance Minister raised to the draft Monitoring Agreement was that it did not set sufficient standards for combatants who would be able to join the Government security forces. The draft Agreement said that only those who went into the cantonments would have that possibility. Mahat emphasized that the document had to state explicitly that only those combatants who met the current standards for recruitment into the Nepal Army, the Armed Police Force or the Nepal Police would be allowed to apply. In other words, they would be required to meet certain levels of education, health, etc.

Combatants and Weapons

¶16. (C) The Ambassador noted that the UN had already included two conditions in the draft's definition of "combatant," so it seemed reasonable to push it to go further. The

Ambassador agreed that it made sense to limit those in camps to actual combatants (and to distinguish between the "PLA" and the Maoist militia), but wondered if it was a good idea to insist that every Maoist combatant have a weapon. Mahat said that he had seen a transcript of the Maoist Central Committee meeting in late August 2006 at which the Maoists had claimed to have 10,000 in the PLA -- in contrast to the 35,000 Maoist Supremo Prachanda had claimed publicly to have.

At the same time, the Minister estimated they had no more than 5,000-6,000 weapons. Most of those were stolen from the Government security forces with an additional, much smaller number stolen from private homes. The Ambassador agreed the numbers of combatants and weapons seemed right. Mahat said the problem was the UN seemed willing to accept ridiculously low ratios of weapons to combatants.

U.S. Willing to Help

¶7. (C) The Ambassador stated that the United States would use its influence with Martin's team in Kathmandu and that the U.S. Mission to the United Nations in New York would no doubt do the same at UN Headquarters. Martin himself, the Ambassador noted, was expected in New York by November 27 for consultations. Part of the Government's difficulty, he added, was that it had not taken a stronger stand with the Maoists in the past and it was now hoping the UN would come to its rescue. Mahat admitted that was true but replied there was still more the UN could do.

Draft Arms Agreement Addresses Some Concerns

¶8. (C) After the Ambassador's meeting with Minister Mahat, Emboff received a copy of the draft Monitoring Agreement dated November 26 from Dr. Shekhar Koirala (please protect), Prime Minister Koirala's nephew and key (informal) Government

peace negotiator. Post has a faxed a copy to SCA/INS (Nepal desk). Based on a review of the 15-page draft, the Minister's concerns regarding terminology and the right to join the security forces appear to have been addressed in part. The term "People's Liberation Army" appears nowhere in the document, only "Maoist army." The reference is everywhere to Maoist army "units." Section 4.1.1, which contains the only reference to unit size, requires that the seven large cantonments shall contain at least a brigade (the Maoists usually refer to 1,000-1,500 soldiers as a brigade; a U.S. brigade would have 3,500 soldiers). The Maoists had been claiming they would put a division (4-5 brigades) in each. (Comment: This is, in effect, an admission that the Maoists have far fewer combatants than they have claimed.) Meanwhile, the standards for who will be eligible to join the Government's security forces are not spelled out. Section 4.1.3 provides that the "integration process (for Maoist combatants) will be decided in subsequent agreement with the parties."

Definition of Combatant an Issue

¶9. (C) "Maoist army combatants" is defined in Section 1.2 (8) as "regular active duty members of the Maoist army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, including by (Communist Party of Nepal ((Maoist)) identity card and other means agreed by the parties." "Parties" is previously defined as the Government of Nepal and the Maoists. Section 4.1.3 provides that the parties will agree "in consultation with the UN" how this pre-May 2006 service is to be confirmed. Section 4.1.3 also states, as Minister Mahat feared, that Maoist combatants will be registered whether they are in possession of weapons or not. However, the same section recites that: "registration will include ... age, name, rank, responsibilities within unit/formation, (and) date of entry into service." The same section provides as well that "all Maoist combatants will present their Maoist army identity card" to the UN or other assisting organization. Mahat noted

in his meeting with the Ambassador that the Maoists had kept poor records of their forces, so claims of service would be difficult to check. Identity cards could be forged.

Comment

¶10. (C) Prime Minister Koirala acted wisely by letting the hard-line Finance Minister review the draft Monitoring Agreement before letting the negotiations with the Maoists go too far. The Government's chief peace negotiator, Home Minister Sitaula, has a record of caving in to Maoist demands. Mahat is much more clear-eyed about the Maoists. Moreover, as Finance Minister (and someone who is expected to retain his seat in an interim government with the Maoists), he has an interest in ensuring that the Government is not on the hook to feed, house and later possibly employ a large group of people who have not actually fought against the Government over the past decade. The Finance Minister is right to be concerned about the lack of specificity on who will be allowed to join the Nepal Army or the police. If the decision is deferred too long, the Maoists will be able to shape the terms from inside the government. The UN should insist that only true combatants are allowed to go into cantonments. It may be impossible or impractical to incorporate all the requirements Mahat wants (such as one weapon per combatant), but the UN has the authority and experience to set criteria. Clear additional standards are indispensable. At a minimum, the Maoists should lock up or account satisfactorily for those weapons which the Government knows the insurgents captured from the Nepal Army and the police.

Postscript: The Problem of the Militia's Weapons

¶11. (C) The draft Monitoring Agreement does not address the Maoist militia's weapons. The approximately 20-40,000-strong Maoist militia have been responsible in the past for most of the Maoist violence against the people of Nepal. The draft

Agreement makes it illegal to hold, carry or display arms once the Maoist combatants are in cantonments. That said, Nepal's Armed Police Force and the civilian police are poorly equipped to enforce that prohibition. Without some provision that Maoist militia must also turn in their weapons, and with no requirement that Maoist combatants do so in order to register, the "People's Liberation Army" could transfer many of its weapons to the militia on top of the militia's existing weapons stockpile. The militia's ability to intimidate the public and undermine planned elections would increase. Kari Karnako, the Finnish Charge d'Affaires, told Emboff November 24 that he envisioned donors and the UN would discuss some sort of weapons amnesty program after the Maoists combatants were in cantonments. We believe the time to address the militia's weapons is now.

MORIARTY